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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,132	02/21/2002	Michael R. Bloomberg	3524/52	8536

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Brown Raysman Millstein Felder & Steiner LLP
900 Third Avenue
New York, NY 10022

EXAMINER

PERSINO, RAYMOND B

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,132

Applicant(s)

BLOOMBERG ET AL.

Examiner

Raymond B. Persino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004 and 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I (claims 1-12) in the reply filed on 4/30/2004 is acknowledged. The traversal is on the ground(s) that the examiner has already conducted a search for all of the subject matter of the pending claims. This is not found persuasive because the amendment to the claims adds subject matter to the claims that require a new search.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 13-20 drawn to an invention nonelected with traverse in the reply filed on 4/30/2004. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over OLSHANSKY (US 6,493,437 B1) in view of TRANDAL et al (US 2003/0081752 A1) and PATEL (US 2002/0174345 A1).

Regarding claim 1, OLSHANSKY discloses a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function (billing and/or advertising) and voice communication over the network, comprising: authenticating means; means responsive to the authenticating means for enabling the computer terminal in the network to access or otherwise participate in the performance of at least one network-related function and voice communication over the network at least from each computer terminal which was authenticated (column 3 lines 1-28 and column 5 lines 11-55). However, OLSHANSKY does not disclose a telephone handset including a microphone and speaker coupled to provide signals to and receive signals from the computer terminal for voice communication; and a finger image sensor coupled to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor; means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal. TRANDAL et al discloses a telephone handset (140 of figure 1) including a microphone and speaker coupled to provide signals to and receive signals from the computer terminal for voice communication (paragraph 37). PATEL discloses a finger image sensor coupled to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor; means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal (figure 9 and paragraphs 92-98 and 12). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made

to combine the teaching of OLSHANSKY, RANDAL et al and PATEL. OLSHANSKY is silent as to the means to the structure of the means to send and receive voice via the computer. RANDAL et al discloses a prior art means by which to send and receive voice via the computer. PATEL's finger image authentication enhances OLSHANSKY's teaching by proving a greater degree of security in the authentication.

Regarding claim 2, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses the enabling means enables voice communication to and from only each terminal for which a sensed finger-image was authenticated (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 3, OLSHANSKY discloses a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function (billing and/or advertising) and voice communication between computer terminals in the network, comprising: a plurality of computer terminals in the network; authenticating means; means responsive to the authenticating means for enabling the computer terminal that was authenticated to access or otherwise participate in the performance of at least one network-related function and voice communications over the network (column 3 lines 1-28 and column 5 lines 11-55). However, OLSHANSKY does not disclose a microphone and a speaker coupled to each of the plurality of computer terminals to provide signals to and receive signals from the computer terminal for voice communication; and a finger image sensor at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor; means for electronically authenticating a finger-image sensed by a

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finger-image sensor based on the finger-image-related signals provided to that computer terminal. RANDAL et al discloses a telephone handset (140 of figure 1) including a microphone and speaker coupled to provide signals to and receive signals from the computer terminal for voice communication (paragraph 37). PATEL discloses a finger image sensor coupled to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor; means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal (figure 9 and paragraphs 92-98 and 12). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of OLSHANSKY, RANDAL et al and PATEL. OLSHANSKY is silent as to the means to the structure of the means to send and receive voice via the computer. RANDAL et al discloses a prior art means by which to send and receive voice via the computer. PATEL's finger image authentication enhances OLSHANSKY's teaching by providing a greater degree of security in the authentication.

Regarding claim 4, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses that at least one of the computer terminals includes the means for authenticating (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 5, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses comprising a computer in the network, other than the computer terminals, that include the means for authenticating (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 6, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses that at least one of the computer terminals includes the means responsive to the authenticating means (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 7, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses that at least one of the computer terminals includes the means responsive to the authenticating means (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 8, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses that the handset is keypadless and each computer terminal includes a computer input device by which information for accessing or otherwise participating in voice communications over the network is input to the computer terminal (figure 3). In the alternative, TRANDAL et al further discloses that the handset is keypadless and each computer terminal includes a computer input device by which information for accessing or otherwise participating in voice communications over the network is input to the computer terminal (figure 1).

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over OLSHANSKY (US 6,493,437 B1) in view of TRANDAL et al (US 2003/0081752 A1), CHANG et al (US 2002/0122415 A1) and PATEL (US 2002/0174345 A1).

Regarding claim 9, OLSHANSKY discloses an apparatus for voice communication over a network through a computer terminal and for authentication, comprising: and means associated with at least one of the computer terminal and the

network for authenticating, and means associated with at least one of the computer terminal and the network responsive to the authenticating means for enabling the computer terminal in the network to participate in voice communication over the network at least from each computer terminal for which was authenticated (column 3 lines 1-28 and column 5 lines 11-55). However, OLSHANSKY does not disclose a telephone handset including: a microphone; a speaker; a finger-image sensor; circuitry coupled to the microphone and speaker which at least converts between analog and digital signals; and an interface coupling the finger-image sensor and the circuitry with the computer terminal; and a finger-image being sensed by the finger-image sensor based on the finger-image-related signals provided to that computer terminal. TRANDAL et al discloses a telephone handset (140 of figure 1) including a microphone and speaker coupled to provide signals to and receive signals from the computer terminal for voice communication (paragraph 37). It is noted that TRANDAL et al only disclose that digital to analog conversion takes place but does not specify that it take place in the handset. CHANG et al discloses that a handset for voice over IP is connected to a computer via a USB connection (paragraphs 14-19). Since USB is a digital connection the handset inherently would have to include a digital to analog means. Moreover, PATEL discloses a finger-image sensor coupled to a telephone that for use in authentication based on a finger-image being sensed by the finger-image sensor based on the finger-image-related signals provided to that computer terminal (figure 9 and paragraphs 92-98 and 12). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of OLSHANSKY, TRANDAL et al,

CHANG et al and PATEL. OLSHANSKY is silent as to the means to the structure of the means to send and receive voice via the computer. TRANDAL et al discloses a prior art means by which to send and receive voice via the computer. TRANDAL is silent as to the location of the digital to analog means. CHANG et al evidences that it is known to include the digital to analog means in the handset. A USB connection is beneficial in that it would allow the handset to connect to any computer that has a USB connection. PATEL's finger image authentication enhances OLSHANSKY's teaching by proving a greater degree of security in the authentication.

6. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over OLSHANSKY (US 6,493,437 B1) in view of TRANDAL et al (US 2003/0081752 A1), CHANG et al (US 2002/0122415 A1) and PATEL (US 2002/0174345 A1) and further in view of an examiner's official notice.

Regarding claim 10, see the parent claim for the subject matter this claim depends from. However, neither OLSHANSKY, TRANDAL et al, CHANG et al, nor PATEL disclose a first universal serial bus (USB) interface coupled to the integrated circuitry; a second USB interface coupled to the finger-image sensor; the interface coupling the finger-image sensor and the circuitry with the computer terminal comprising a USB hub coupled to the first and second USB interfaces. Nevertheless the examiner takes official notice that it was known in the art at the time the invention was made to have 2 devices, each with USB interfaces, connected to a USB hub, which it then connected to a computer. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a first universal serial bus

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(USB) interface coupled to the integrated circuitry; a second USB interface coupled to the finger-image sensor; the interface coupling the finger-image sensor and the circuitry with the computer terminal comprising a USB hub coupled to the first and second USB interfaces. This allows more than one device to communicate with a single USB port on a computer.

Regarding claim 11, see the parent claim for the subject matter this claim depends from. CHANG et al further discloses a cable coupled to the USB hub and connectable to a USB port of a computer terminal (paragraph 14).

Regarding claim 12, see the parent claim for the subject matter this claim depends from. TRANDAL et al further discloses that the function of a codec (paragraphs 37).

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Raymond B. Persino
Examiner
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VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600